

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHRISTIAN BEARD,**  
c/o William T. Whitaker Co. LPA  
54 E Mill St.  
Akron, Ohio 44308,

Plaintiff,

-vs-

**EZEKIEL RYAN,**  
c/o Lakemore Police Department  
1400 Main Street  
Lakemore, Ohio 44250,

and

**KRISTOFER LONDON,**  
c/o Springfield Township Police Department  
2465 Canfield Road  
Akron, Ohio 44312,

Defendants.

CASE NO.:

JUDGE:

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Christian Beard for his complaint against Defendants Ezekiel Ryan and Kristofer London alleges as follows:

**INTRODUCTION**

1. This is a civil rights action. On February 13, 2018, Defendant Police Officers Ezekiel Ryan and Kristofer London shot Christian Beard, a 23-year-old man. This shooting was unjustified and violated Beard's rights under the U.S. Constitution and Ohio law, and left him with a bullet that remains lodged in his neck, nerve damage, and permanent damage to his hand.

### **JURISDICTION AND VENUE**

2. The Jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C §1983 et seq; the Judicial Code, §§1331 and 1343(a); and the Constitution of the United States.

3. Supplemental jurisdiction over the related state law claims is invoked pursuant to 28 U.S.C. §1367.

4. Venue is proper in this District under 28 U.S.C. § 1391(b). The parties reside, or, at the time the events took place, resided in this judicial district, and the events giving rise to Plaintiff's claim also occurred in this judicial district.

### **PARTIES**

5. At all times relevant to the allegations made in the complaint, Plaintiff Christian Beard resided in Summit County, Ohio.

6. Defendant Officer Ezekiel Ryan was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the Village of Lakemore, Summit County, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.

7. Defendant Officer Kristofer London was, at all times relevant to the allegations made in this complaint, a duly appointed police officer employed by the Township of Springfield, acting within the scope of his employment and under the color of state law. He is sued in his individual capacity.

### FACTS

8. On February 13, 2018, Christian Beard was driving a van with passenger Matthew Burghardt in Lakemore, Ohio.

9. Just before 5 a.m., Beard parked the van at 1271 Main Street in Lakemore, Ohio.

10. Prior to this, an attempted burglary had been reported at a nearby Tractor Supply store. Police from the Springfield Township and Village of Lakemore Police Departments were dispatched to investigate.

11. During their investigation, Defendant Police Officer Ezekiel Ryan of the Lakemore Police Department, along with Defendant Police Officer Kristofer London and Sergeant Eric East of the Springfield Township Police Department, located and approached Beard's van.

12. When the officers arrived, Beard and Burghardt were still in the van, laid back in their seats, with eyes closed.

13. The officers were positioned to the side and in front of the van. They told Beard and Burghardt to open the doors. Sgt. East began to use a "slim jim" to attempt to open the driver's side door of the van.

14. Defendant Ryan stood near the front driver's side door. Defendant London faced the passenger's side of the van. Both had their weapons drawn.

15. As Sgt. East inserted the "slim jim" into the driver's side window, Beard sat up, put his hands up, and looked to the rear at the area behind the van, and put the van in reverse.

16. As the van reversed, Sgt. East told Defendants London and Ryan, "Don't shoot him, don't shoot him."

17. No officers, nor any other person, were in the path of the van as it reversed.

18. Despite Sgt. East's warning, Defendants Ryan and London each fired three shots at Beard and Burghardt.

19. Body-worn camera captured this shooting. (*See* Video at 00:00 - 02:00, available at <https://youtu.be/sf0GjrACwYM>.)

20. Christian Beard and Matthew Burghardt were unarmed when Defendants Ryan and London shot him. He did not pose a threat of death or serious physical harm to Officers Ryan, London, or East, or to anyone else at the time shots were fired.

21. As a result of this shooting, Christian Beard suffers from serious, debilitating physical injuries and continuing psychological trauma including but not limited to a bullet that remains lodged in his neck and cannot be removed, nerve damage, and limitations in the use of his hand.

22. Christian Beard and his family are devastated by these irreparable and lifechanging injuries.

23. This shooting was unjustified, objectively unreasonable, and constituted excessive force, in violation of Christian Beard's constitutional rights.

**COUNT 1**  
**42 U.S.C. § 1983 Claim for Unconstitutional Seizure**  
**against Defendants Ryan and London**

24. All of the foregoing paragraphs are incorporated as though fully set forth here.

25. The actions of Defendant Officers Ezekiel Ryan and Kristofer London, as alleged in the preceding paragraphs, violated Christian Beard's rights under the Fourth Amendment to the United States Constitution to be secure in his person against unreasonable seizure, and his right to due process under the Fourteenth Amendment to the United States Constitution, and caused the injuries alleged in this complaint.

26. Christian Beard was subjected to the use of excessive force in violation of his Fourth Amendment rights.

27. The actions of the Defendant Officers as alleged in this count of the complaint were the direct and proximate cause of the constitutional violations set forth above and of Christian Beard's injuries.

28. Defendants are jointly and severally liable for this conduct.

**COUNT 2**  
**State Law Claim for Willful, Wanton and Reckless Conduct**  
**against Defendants Ryan and London**

29. All of the foregoing paragraphs are incorporated as though fully set forth here.

30. Defendant Officers Ezekiel Ryan and Kristofer London failed to exercise due care and acted in a willful, wanton, and/or reckless manner while engaged in police functions and activities that culminated in the above-described damages and injuries to Christian Beard.

31. Defendants' reckless, wanton, and/or willful conduct proximately caused the physical and psychological damages to Christian Beard.

32. As a direct and proximate result of the misconduct of the Defendant Officers, Christian Beard suffered and continues to suffer injuries and damages.

33. Defendants are jointly and severally liable for this conduct.

**COUNT 3**  
**State Law Claim for Assault and Battery**  
**against Defendants Ryan and London**

34. All of the foregoing paragraphs are incorporated as though fully set forth here.

35. Defendant Officers Ezekiel Ryan's and Kristofer London's conduct created in Christian Beard the apprehension of an imminent, harmful, and offensive touching and constituted a harmful and offensive touching, made knowingly and without legal justification.

36. Defendants are jointly and severally liable for this conduct.

**PRAYER FOR RELIEF**

Plaintiff demands that judgment be entered in his favor on all counts and prays the court to award the following relief:

- a. An award of actual and/or compensatory damages against all Defendants in an amount to be determined at trial that will fully and fairly compensate Christian Beard for the injuries and damages he suffered;
- b. An award of punitive damages against Defendant Officers Ezekiel Ryan and Kristofer London in an amount to be determined at trial that will serve to adequately punish and deter the acts and omissions alleged in this complaint;
- c. An award of attorneys' fees and the costs of this action pursuant to 42 U.S.C. Section 1988; and
- d. All such other relief to which Plaintiff is entitled and/or this Court deems equitable.

***TRIAL BY JURY ON ALL CLAIMS FOR RELIEF HEREBY DEMANDED.***

Dated: November 26, 2019

/s/ Andrea L. Whitaker  
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